

Notice of Allowability

Application No.

10/604,500

Examiner

James Alpert

Applicant(s)

GHILONI ET AL.

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 26 June 2006.
2. ☒ The allowed claim(s) is/are 1-3,6-10 and 16-27.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

The following communication is in response to Applicant's amendment filed on 26 June 2006.

Status of Claims

Claims 7-10 are original. Claims 1-3, 6,17,19 are currently amended. Claims 16,18,20 are previously presented. Claims 21-27 are new. Claims 4-5,11-15 are canceled. Claims 1-3,6-10, 16-27 are therefore currently pending.

Allowable Subject Matter

Claims 1-3,6-10, 16-27 are allowed, subject to an examiner's amendment described below.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with George McDonald, Registration #39284, on 13 October 2006.

The application has been amended as follows on the three (3) subsequent pages:

Claim 1. A method for aggregating shipping charges and generating charge-back invoices using a charge-back billing system comprising:

receiving an indication of a plurality of shipping charges each from a respective financial institution from a plurality of financial institutions by a first user of at least one vendor, each indication including shipping charge data, a vendor identifier, and a shipping charge identifier;

then requesting detail information regarding each of the plurality of charges from the at least one vendor using the vendor identifier and the shipping charge identifier received from the respective financial institution from a plurality of financial institutions;

receiving detail information regarding each of the plurality of charges from the at least one vendor;

storing and aggregating the shipping charge data received from the respective financial institution with the associated detail information regarding each of the plurality of charges received from the at least one vendor;

augmenting the detail information for each of the plurality of charges by adding charge-back fields, creating aggregated augmented detail information wherein the charge-back fields are comprised of charge-back data received from the first user;

providing access to the shipping charge data and associated aggregated augmented detail information for each of the plurality of charges to the first user;

receiving selection data from the first user for at least one of the plurality of charges and associated augmented detail information; and

then generating a charge-back bill based upon the selection data.

Claim 6. A system for aggregating charges and generating invoices comprising:

- a processor;

- a storage device connected to the processor;

- the storage device storing a logic program;

- the processor operative with the logic program to perform:

- receiving an indication of a charge from a respective financial institution by a first user of a first vendor;

- requesting detail information regarding the charge from the first vendor referring to the indication;

- receiving detail information regarding the charge from the first vendor;

- storing and aggregating the detail information regarding the charge from the first vendor;

- augmenting the detail information by adding charge-back fields related to a plurality of customers of the first user, creating aggregated augmented detail information, wherein the charge-back fields are comprised of charge-back data received from the first user;

- providing access to the aggregated augmented detail information to the first user before the associated billing cycle of the respective financial institution;

- receiving selection data from the first user for the aggregated detail information including charge-back fields related to the first user; and

- generating a bill based upon the selection data before the associated billing cycle of the respective financial institution.

Claim 27. A method for aggregating business service charge for a user and generating charge-back invoices for the user's customers using a charge-back billing system comprising:

receiving business service charge data including a vendor identifier and a charge identifier for a plurality of business service charges each from a respective financial institution by the user, wherein each of the business services charges are incurred using a particular vendor from a plurality of vendors;

then requesting detail information regarding each of the plurality of business service charges from the particular vendor using the vendor identifier and the charge identifier received from the respective financial institution;

receiving detail information regarding each of the plurality of charges from the particular vendor;

storing and aggregating the business service charge data received from the respective financial institution with the associated detail information regarding each of the plurality of charges received from the particular vendor;

augmenting the detail information for each of the plurality of charges by adding charge-back fields comprised of charge-back data received from the user, creating aggregated augmented detail information;

providing access to the business service charge data and associated aggregated augmented detail information for each of the plurality of charges to the user before the associated billing cycle of the respective financial institution;

receiving selection data from the first user for at least one of the plurality of charges and associated augmented detail information; and

then generating a charge-back bill based upon the selection data before the associated billing cycle of the respective financial institution.

Reasons for Allowance

The examiner would initially like to make an observation regarding the term “charge-back” as it used in the present application. Most practitioners in the financial arts attribute a particular meaning to this phrase which involves a funds transfer that is reversed or canceled. As mentioned in the Office action mailed 24 March 2006, Applicant may act as his own lexicographer. See In re Paulsen, 30 F.3d 1475, 1480, 31 USPQ2d 1671, 1674 (Fed. Cir. 1994) and Vitronics Corp. v. Conceptronic Inc., 90 F.3d 1576, 1582, 39 USPQ2d 1573, 1576 (Fed. Cir. 1996). The “charge-back” billing system is described in detail throughout Applicant’s specification such that one of ordinary skill in the art will recognize that Applicant has set forth a special definition of the term that is different from its ordinary and customary meaning. Specifically, a system is described that involves determining specific information regarding credit transactions, including which entity is responsible for the payment of the transaction. Ultimately, these transactions are referred back to the entity for payment, and it is this act of referring back that Applicant describes as a “charge-back.” In other words, the determination is made as to whom the transaction costs are being charged to or “charged back” to.

In the specification, Applicant describes charge-back fields as follows:

The raw information is translated into value added information by augmenting each transaction with customer specific fields such as a cost center, and reference number (or client-matter number). These augmented fields are called the charge-back fields because they reference or tie together each customer transaction to an internal cost-

center (within the customer company) or to an external customer client and/or client/matter identifier. (SPECIFICATION, PARAGRAPH 24)

The applicant continues in describing how to populate charge-back fields:

When a customer subscribes to the system, the customer provides customer data such as contact information and other data. The customer also provides data relating to the clients or internal cost centers of the particular customer. This client information is used in generating charge-back data and in generating bills. Several standard filters are provided and others may be created. For example, customers may sort or filter by client/matter numbers, date, charge amount or price, the name of client, origin address or destination address. The client/matter numbers may be used to fill in the billing information for a particular client charge-back bill. Additionally, a particular client may have different billing data according to the different matter numbers or internal cost center numbers. (SPECIFICATION, PARAGRAPH 41)

Applicant has adequately set forth a special definition of the term "charge-back." A discussion of the prior art is now required.

The closest prior art of record is Piazza et al, U.S. Patent Application Publication #2003/0061358. Piazza involves a system for managing charges in an organization with a hierarchical structure. Identifying information is maintained so that credit transactions can be itemized and attributed to individuals in the organization. Applicant's amendments to the claims have resulted in a patentable distinction over Piazza. Initially, Piazza is not used expressly for shipping transactions. In this regard, the information populating the charge-back fields of the present invention comprises very specific vendor information. Secondly, Piazza does not expressly involve a plurality of financial institutions in transmitting shipping charges. Thirdly, the type of information being manipulated in Piazza is used primarily for internal auditing, and the manipulation involves filtering and report presentations. The information requested, received, and augmented in the present invention is used exclusively for billing, and as such, is

of a different nature. A final distinction to note is that in the instant invention, the user is the source of the charge-back data. In the final Office action at page 4, the Examiner detailed expressly that in Piazza, the charge-back data cannot come from the user. These are but a few examples of the now multiple differences between Piazza and the instant invention.

The following is an examiner's statement of reasons for allowance:

Claims 1 and 6 are allowed because the best prior art of record, Piazza, neither discloses or fairly suggests, in a method and system for aggregating shipping charges and generating charge-back invoices using a charge-back billing system, the limitations comprising:

storing and aggregating the shipping charge data received from the respective financial institution with the associated detail information regarding each of the plurality of charges received from the at least one vendor;

augmenting the detail information for each of the plurality of charges by adding charge-back fields, creating aggregated augmented detail information wherein the charge-back fields are comprised of charge-back data received from the first user; and

then generating a charge-back bill.

Claims 2-3, 16-26 are allowed in that they depend from Claim 1.

Claims 7-10 are allowed in that they depend from Claim 6.

Claim 27 is allowed because the best prior art of record, Piazza, neither discloses or fairly suggests, in a method for aggregating business service charges for a user and generating charge-back invoices for the user's customers using a charge-back billing system, the limitations comprising:

storing and aggregating the business service charge data received from the respective financial institution with the associated detail information regarding each of the plurality of charges received from the particular vendor;

augmenting the detail information for each of the plurality of charges by adding charge-back fields comprised of charge-back data received from the user, creating aggregated augmented detail information;

then generating a charge-back bill based upon the selection data before the associated billing cycle of the respective financial institution.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Alpert whose telephone number is (571) 272-6738. The examiner can normally be reached on M-F 9:00-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Trammell James can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

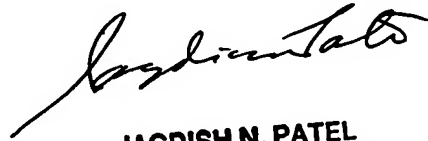
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair->

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direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000. Respectfully submitted,

James M. Alpert
October 16, 2006



JAGDISH N. PATEL
PRIMARY EXAMINER